

DRAFT RESOLUTION 2017-17

TO BE ENTITLED: “A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF SEVERAL PROPERTIES NOT ADJOINING THE EXISTING CITY LIMITS, LOCATED ON THE NORTH AND SOUTH SIDE OF MURFREESBORO ROAD, EAST OF NORTH CHAPEL ROAD, AND WEST OF TRINITY ROAD, AND WITHIN THE EASTERN PART OF THE FRANKLIN URBAN GROWTH BOUNDARY (UGB), BY THE CITY OF FRANKLIN, TENNESSEE.”

WHEREAS, *Tennessee Code Annotated* (T.C.A.) §§ 6-51-102 and 6-51-104(d) (4), as amended, requires that a Plan of Services be adopted by a municipal governing body prior to the passage of an annexation resolution; and

WHEREAS, T.C.A. § 6-51-104 (d) (1), as amended, permits the annexation of territory that does not adjoin the boundary of the main part of the municipality, without extending the corporate limits of that territory, if the territory proposed for annexation is entirely contained within the municipality’s urban growth boundary and is to be used for commercial purposes or future residential development; and

WHEREAS, T.C.A. § 6-51-104 (d) (4) requires that the plan of services shall be prepared by the municipality in cooperation with the County in which the territory is located. The municipality and the county shall enter into an interlocal agreement pursuant to T.C.A. § 5-1-113, as amended, to provide emergency services for any interceding properties and to maintain roads and bridges comprising the primary route to the area thus annexed as the municipality and the county deem necessary; and

WHEREAS, the City of Franklin and Williamson County have, or will have entered into an interlocal agreement as required by T.C.A. § 6-51-104 (d) (4) prior to final passage of Resolution 2017-17; and

WHEREAS, T.C.A. § 6-51-104 (d) (2), as amended, requires the written consent of the property owner or owners; and

WHEREAS, Ravenwood LP, Brentwood Inn LLC, Smith Reese L III ETAL, CBMS LLC, Wilson Pike LLC, and R&S Rental Properties LLC, (“Owners”) of property located at 4468 Murfreesboro Road (88---01801), Murfreesboro Road (88---01802), Murfreesboro Road (88---01805), 3698 N. Chapel Road (88---01806), 4417 Murfreesboro Road (88---01900), and 151 Trinity Road (87---03800) (“Properties”), petitioned the Board of Mayor and Aldermen (BOMA) of the City of Franklin, Tennessee (“City”), to annex six (6) parcels, containing 490.93 acres, located within the Franklin Urban Growth Boundary (UGB), and not adjoining the city limits; and

WHEREAS, the Properties are located on the north and south side of Murfreesboro Road and east of North Chapel Road and west of Trinity Road, as described herein and as depicted on the Map attached hereto as Exhibit A:

Map-Parcel	Acres	Owner	Property Address
88---01801	174.61	Ravenwood LP	4468 Murfreesboro Rd
88---01802	95.68	Brentwood Inn LLC	Murfreesboro Rd
88---01805	41.18	Smith Reese L III ETAL	Murfreesboro Rd

88---01806	20.41	CBMS LLC	3698 N Chapel Rd
88---01900	82.05	Wilson Pike LLC	4417 Murfreesboro Rd
87---03800	77.00	R&S Rental Properties LLC	151 Trinity Rd
Total	490.93		

WHEREAS, this resolution shall bind the Owners and subsequent Owners of the Property; and

WHEREAS, the Franklin Municipal Planning Commission has reviewed and recommended _____ of the Plan of Services for the annexation area; and

WHEREAS, a public hearing was held following public notice as required by T.C.A. § 6-51-102, as amended; and

WHEREAS, it is believed it is in the best interest of the City to adopt a Plan of Services for the area petitioned to be annexed in order to provide for future development in accordance with City standards; and

WHEREAS, this resolution shall not bind the City to later annex the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. Pursuant to the provisions of T.C.A. §§ 6-51-102 and 6-51-104 (d) (4), as amended, there is hereby adopted, for the area bounded as described above, the following Plan of Services:

A. Water

1. The Properties are located within Milcrofton Water District service area.
2. Water availability shall be approved by the Milcrofton Water District and the Owners shall provide documentation of water availability prior to annexation of the Properties by the City.
3. The Owners shall be required to provide adequate fire flow and pressure to the Properties as required by adopted City requirements.

B. Reclaimed Water

1. According to the City of Franklin's Municipal Code, reclaimed water systems shall be extended to a development if the development is located within 1,000 feet of an existing reclaimed water line.
2. The Properties are not located within 1,000 feet of an existing reclaimed water line and a major extension would be required to serve the Properties. Therefore, the Owners shall not be required to extend reclaimed water lines to the Properties.

C. Wastewater

1. The Property lies within the Mayes Creek Basin as defined in the City's Sanitary Sewer Basin Study.
2. The Owners are proposing to construct approximately 1,400 dwelling units and 135,000 square feet of commercial development on the Properties.
3. The Owners shall be required to extend the Harpeth River Interceptor approximately 6 miles to the property line. The exact size, length, location, and timing shall be determined based on the update to the Mayes Creek Sewer Basin Plan currently being completed by the City and an engineering study prepared by the Owners and approved by the City.

4. All sanitary sewer facilities shall be constructed by the Owners and dedicated to and operated by the City.
5. The Owners shall be required to submit engineering calculations to the City to determine final sizing requirements.
6. The Owners shall be required to provide Engineering design, construction, easements, rights-of-way, and the costs associated with the installation of the on-site sanitary sewer infrastructure required to serve the development of the Properties.
7. The Owners shall be responsible for the payment of fees per the policies and procedures outlined in Franklin Municipal Code.
8. Additional personnel and equipment will be required as the Properties develop. The timing for the additional personnel and equipment shall be determined as part of the approval of the zoning and development plan for the Properties.

D. Stormwater

1. The Owners shall be responsible for the engineering, design and construction of the necessary stormwater infrastructure for the development of the Properties and shall comply with the requirements outlined in the Franklin Municipal Code.
2. As the Properties develop, the City will charge prevailing stormwater user fees per the policies and procedures outlined in the Franklin Municipal Code.

E. Streets

1. The emergency maintenance of any existing County streets annexed by the City as part of this annexation petition will begin on the effective date of annexation.
2. Reconstruction and resurfacing of streets, routine maintenance, and installation of storm drainage will be accomplished according to existing City policies.
3. Access to the Properties shall be approved during the development review process and shall comply with the recommendations as shown in the Major Thoroughfare Plan.
4. The Owners of the Properties shall be required to submit a traffic impact analysis prior to submitting a development plan for review and approval. The exact scope associated with this traffic impact analysis shall be determined prior to submittal of the Development Plan in accordance with City policies. Required street improvements shall be determined as part of the approval of the Development Plan. The roadways constructed as part of this development shall comply with City Street Standards.

F. Traffic Control

1. Traffic signals, traffic signs, street markings, and other traffic control devices shall be installed as the need is established by appropriate study and traffic standards. Within 12 months after the effective date of the annexation, the City shall add northbound Opticom pre-emption at the SR-96E and Arno Road intersection. The Owners shall be responsible for reimbursing the City for the cost of the equipment and installation of the pre-emption equipment. No other needs have been identified for the area at this time.
2. New development shall comply with City regulations governing traffic control devices and markings after the effective date of annexation.

G. Street Lighting

1. No off-site street lighting is proposed at this time.
2. Street lighting within new developments shall be funded and installed by the Owners per City policy, including the installation of electric meters to allow for future ownership and maintenance by the City or homeowners association. The installation and operation of street lights shall coincide with the phasing of development and issuance of Certificates of Occupancy.

H. Street Name Signs

1. No additional street name signs in the area have been deemed necessary.
2. New development shall install street name signs per City policy.

I. Fire Protection

1. Fire protection by the present personnel and equipment of the Franklin Fire Department will be provided on and after the effective date of annexation. Current response will be provided primarily from Fire Station 6 located at 1061 Cool Springs Boulevard. No additional personnel or equipment will be necessary to initially serve the annexation area.
2. An additional fire station, personnel and equipment will be required as the Properties develop. The Owners shall work with the City to identify an appropriate site near the intersection SR-96E and North Chapel Road containing at least 3 acres for the Owners to dedicate to the City for the construction of a new fire station. The City shall agree to the location and the land shall be dedicated to the City prior to the issuance of any certificates of occupancy within the annexed Properties. The completion and staffing of the fire station shall be determined by the City.
3. Home fire sprinkler system shall be installed and maintained in all newly constructed homes that are not contiguous to the City Limits and are not served within a 4-minute average fire response time by the City of Franklin as determined at the time of site plan approval.
4. Where water is available and prior to the issuance of any certificates of occupancy, the applicant shall coordinate with the City and confirm the presence of fire hydrants every 1,000 feet along SR-96E from the existing city limits to the limits of the Properties to be annexed.

J. Planning and Zoning

1. The planning and zoning jurisdiction of the City will extend to the annexed area on and after the effective date of annexation.
2. According to the Franklin Land Use Plan, the Properties are located in the Seward Hall Character Area, Special Area 7. The Plan recommends that the entire area should retain a Suburban and Rural Character and the preservation of natural features in the area is critical in order to retain its current character. The Land Use Plan recommends the following policies for Special Area 7:

Character

1. This area currently comprised of residential, civic/institutional uses as well as vacant properties that may receive development pressures in the future due to widening of Highway 96/Murfreesboro Road and the potential extension of Market Street.
2. The protection of environmental features is important to this area's unique character.
3. A special area amendment is encouraged when the location and alignment of the Market Street extension is finalized.

Land Use

4. Existing uses are predominantly Civic/Institutional Uses and Detached Residential. Additional similar uses are appropriate.
5. If adequate infrastructure is available, Neighborhood Retail, Civic/Institutional Uses, Professional Offices and Attached Residential may be appropriate. If these uses are proposed, a master plan is encouraged.
6. New growth should be encouraged only in areas where adequate public water, sewer and streets are currently available or are planned.

Development Form

7. This area should follow standards for the Conventional/Suburban Design Concept.

8. Once adequate infrastructure is available and the extension of Market Street is further refined, a Local Commercial Activity Center may be an appropriate alternative Design Concept. Associated uses are limited to those identified in the section above.
9. A transition to adjacent uses and development patterns should be provided. Smaller lots should not be located on the exterior of a proposed development adjacent to, or across the street from, larger lots of an existing development. However, if the applicant proposes an alternative, and if potential conflicts will be created, the applicant shall give justification as to how they will be mitigated or avoided.

Connectivity

10. Community gateways should be identified and improved. Gateways can be key entrances into the community, or they can be key connections between neighborhoods or business districts. The Major Thoroughfare Plan identifies roadway extension and widening to Murfreesboro Road and Market Street running through the center of this special area.
11. Greenways should be encouraged as they provide an open space network between neighborhoods, mixed use centers, office and commercial developments, business districts, parks, schools and historic sites. The Greenway and Open Space Plan calls for a multi-use path and bike lanes along Murfreesboro Road.

Open Space

1. A well-integrated network of connected open space and parks shall be encouraged to add public amenities and to preserve the existing qualities of the area.
2. Common design elements, such as fieldstone walls and wood plank fencing, shall be used to create and maintain the land-use character of the area.
3. If the proposed plan for the development conflicts with the Land Use Plan, a Land Use Plan amendment must be approved by the Planning Commission prior to consideration of the annexation and Plan of Services by the Planning Commission and BOMA.
4. Upon annexation, the Property will be zoned by the Board of Mayor and Aldermen, pursuant to the recommendations of the Franklin Land Use Plan and the requirements of the Franklin Zoning Ordinance, with a base zone district, Overlay District, Character Area Overlay District, and designated as a Conventional or Traditional Area. The Owner shall also be required to submit a Planned Unit Development (PUD) Development Plan pursuant to the requirements of the Zoning Ordinance.

K. Parks and Recreation

1. The benefit and use of the recreational facilities and programs provided by the Parks Department will be available on and after the effective date of the annexation. Recreational facilities and programs will be provided with existing personnel, facilities and resources.
2. New development in the annexed area shall comply with the City of Franklin Parkland Dedication Ordinance.

L. Police Protection

1. Police patrol and response to calls by the Franklin Police Department will be provided on and after the effective date of annexation. One additional school crossing guard will be required to initially provide service to Trinity Elementary School. No other additional manpower or equipment will be necessary to initially serve the annexation area.
2. Additional personnel and equipment will be required to serve the area as the Properties develop in order to continue the present level of police protection provided throughout the City. The timing and number of additional personnel and equipment necessary to service the future growth in the annexation area shall be determined as part of the approval of zoning and development plans for the Properties.

M. Building and Code Inspection Services

1. Building and code inspection services will begin in the annexed area on and after the effective date of the annexation.
2. New development in the annexed area shall comply with adopted City Building Codes, pay the applicable fees, and obtain the required permits for inspection services.
3. Additional personnel and equipment will be required as the Properties develop. The timing and number of additional personnel and equipment necessary to service the future growth in the annexation area shall be determined as part of the approval of zoning and development plans for the Properties.

N. Garbage and Recycling Pickup and Environmental

1. The Sanitation and Environmental Services Department will begin providing services in the annexed area on and after the effective date of the annexation in accordance with adopted City requirements.
2. No additional manpower or equipment will be necessary to serve the annexation area upon the effective date of the annexation. However, additional manpower and equipment will be necessary to serve future developments within the annexation area. The need for additional manpower and equipment will be evaluated and determined as part of the zoning and development plan review and approval process.
3. In accordance with adopted City requirements, Non-Residential owner(s) do not have to use the City as a provider, but the Non-Residential owner(s) shall be responsible for providing refuse collection services as a matter of public health. The Non-residential owner(s) shall present a plan for service for refuse collection services for approval by the Sanitation and Environmental Services Department, and shall be required to install required dumpster enclosures if dumpsters will be used for holding refuse between scheduled service days. Residential properties are required to have at least one (1) City-issued rollout container and pay for residential collection services as required by the Franklin Municipal Code.
4. As the City limits expand further into the Urban Growth Boundary (UGB), the City should evaluate the need for an additional transfer station to accommodate the anticipated growth of the City and increased volumes of waste.

SECTION II. This Resolution shall take effect from and after its adoption.

ADOPTED THIS _____.

ERIC S. STUCKEY
City Administrator

DR. KEN MOORE
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney